Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1995

GLENN A. FROEMAN, Petitioner

STATE OF MARYLAND, Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE MARYLAND COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

GLENN A. FROEMAN
Pro se counsel of record.
P.O. Box 339, Pasadena
Maryland 21123. Beeper #
(410) 351-0330.

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20 pp.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED FOR REVIEW.....	1
Table of authorities	II
Reference to official opinions of the case	2
Grounds for jurisdiction.....	2
Law involved in this case.....	3
Statement of the case.....	4
Amplifying arguments.....	12
Statement of business associations.....	16

APPENDIX:

A. Opinions below.....	17
B. Other Opinions.....	19
C. Pertinent texts of law.....	23
D. Pertinent quotations of the record.....	59

TABLE OF AUTHORITIES

CASES

	Page
Brady v. Maryland	
373 U.S. 83, 83 S.Ct. 1194	14
Chase v. State	
309 Md. 224, 522 A. 2d.,1348	16
Smith v. Thursby	
28 Md. 244 (1868).	13
State v. Mace,	
5 Md. 337 (1854).	12
U.S. v. Nixon	
Dist. Col. 1974. 94 S. Ct. 3090	14
Zurak v. Regan	
C.A.2 1977, 550 F. 2d. 86	14

CONSTITUTIONAL LAW

Md. Article III,§38	3,23
Md. Article III,§60.	3,23
Md. rights article 2.	3,24
Md. rights article 5	3,24
Md. rights article 23.	3,25
U.S. amendment V.	4,48
U.S. amendment VIII.	4,48
U.S. amendment XIV.	4,48
U.S. amendment VI.....	48

TABLE OF AUTHORITIES

STATUTES

	Page
Md. Code Article 27,§637	3.31
Md. Code Article 27,§639	3.25
Md. Code Article 27,§640.	3.32
Md. Code Article 27,§641A.	3.26
Md. Code Article 27,§641B.	3.28
Md. Rule 5-103(a)(1).....	4.46
Md. Rule 7-102(b).....	4.45
28 U.S.C.§2007	4.49
28 U.S.C.§1654	4.50
42 U.S.C.§1981	4.55
42 U.S.C.§1982	4.55
42 U.S.C.§1983	4.54
42 U.S.C.§1985(3)	4.53
42 U.S.C.§1986	4.52
42 U.S.C.§1987	4.51
42 U.S.C.§1988	4.50
28 U.S.C.§1257	3
English Statute still in effect in Maryland.....	4.56
Md. Code Labor & Employment Article §3-415(c)(1)	slavery 11.57

QUESTIONS FOR REVIEW

1. Does a pro se litigant have a Constitutional and statutory Right to: a) Have unambiguous and clear court orders to follow? b) to be free from the abuse of the science of psychiatey? c) A de novo appeal? d) Discovery? e) A notice of a hearing for motion(s) determination? f) Be free from unlawful jailing? g) Have, in Maryland, a jury that is tryers of both law and fact?

2. Under the Maryland Constitution, does the lawful linking of restitution with probation and common law misdemeamor charge create debtor's prison? Is not this restitution and the lawful charging of probation 'fees' a tax on Md. Constitutional Rights? Are these Md. laws in violation of the Constitution and laws of the United States?

3. Do the things stated in paragraphs 1 and 2 above create an effective blockade of the appeal process?

4. In a State action that has alleged Civil Rights violations, does the jurisdiction go from the state's highest court to U.S. Supreme Court or U.S. District Court under U.S.C. 42 §1988, an 28 § 2254?

REFERENCE TO OFFICIAL OPINIONS OF THIS CASE

In th Maryland Court of Appeals, certiorari denied as there has been no showing that review is desirable and in the public interest. In the Maryland Circuit Court for Baltimore County an order denying a motion to correct an illegal sentence. In the U.S. District Court for the District of Maryland, dismissing a suit filed under Civil Rights statutes, case no. 95-1875, the order expressing expressing lack of jurisdiction under the 'Rooker-Feldman' doctrine. This suit is on appeal to the U.S. Court of Appeals for the 4th Circuit, and an order of reference to a magistrate in a habeas corpus case - no. L-96-559.

GROUNDS FOR JURISDICTION

The Maryland Court of Appeals has decided by denying the writ of certiorari important questions of Md. law that creates debtors' prison and taxes on Md. Constitutional Rights to be free from degtors' prison and to have the time hornored suspended sentence. These matters have not been decided by this court but should be. By the denial also, the

important due process violations expressed in QUESTIONS FOR REVIEW, paragraph 1, above, conflicts with applicable decisions of this court. The date that certiorari was denied by the Md. Court of Appeals is May 8, 1996 and the date of the judgement of the Md. Circuit Court for Baltimore County is December 4, 1995. Jurisdiction to this court is based on U.S.C. 28-§1257 and not to forget the 'Rooker-Feldman' doctrine.

LAW INVOLVED IN THIS CASE

Maryland Constitutional Law is: a) Article III, §38 (no debtor's prisons). b) Article III, §60 (grace of the suspended sentence). Maryland Constitutional Declaration of Rights: a) Article 2 (supremacy clause). b) Article 5 (Right to the common laws and statutes of England). c) Article 23 (jury judges of law and fact).

Maryland statutory law is: a0 Article 27 §639 (suspension of sentence generally). b) Article 27-§641A suspension of sentence and place on probation). c) Article 27-§640 (probation with restitution only). d) Article 27-§641B (fees for probation. e)Article 27-§637 (execution against convicts property for restitution.

Maryland Rules are: a) rule 5-103(a)(1). (A timely objection to evidence). b) Rule 7-102 (b). (Appeal trial is de novo).

U.S. Constitutional law: a) Amendments V,Viii, andXIV. U.S. Statutory law is: a) U.S.C.28 §§2007 (no debtors' prisons, 1654 (pro se statute). b) U.S.C.42 §§ 1981,1982,1983,1985(3), 1986,1987, and the jurisdictional 1988.(civil Rights statutes).

English Statute still in effect in Md. 22&23 Charles2, c.20. CapXX (Stat.2, Cap7). (an Act for the relief and release of poor distressed prisoners for debt.).

STATEMENT OF THE CASE

A. Docket entry #1 is the disposition from the District Court - "Sentence suspended generally, Twenty-four months supervisved probation. Restitution of $4,398.97." (in U.S. Dollars).

B. Froemans' motion to District Court judge to clarify the restitution order as it was ambiguous and unclear. Motion not ruled on. His probation officer stated that, "...as it reads, the probation must be paid and you, buddy, are going to jail..." Motion not ruled on and not recorded on the docket sheet but,

C. Expressed in his motion for

order/injunctionto prevent abuse filed in the Appeal Circuit Court. Docket entry #7 and denied. Entry #9. The restitution law contains a section that delays payment of restitution until all appeals are finished. Froeman was unable to obtain gainful employment for two months because of his fear of jailing. In his petition for certiorari to the Md. Court of Appeals in part (7) - QUESTIONS PRESENTEDE FOR REVIEW - Part (b), he asked, " Must not court orders, like law, be unambiguous, clear, concise, and easy to understand by all persons involved? Is Judge Pytashs' order for restitution ambiguous, and unclear? Is this not a form of punishment to prevent appeal?" Petition denied.

D. Also the District Court ordered but was not on the docket sheet was that Froeman was to seek mental health counseling as his pre-sentence paschological evaluation was for 'change of life'. All mental health centers called and refused treatment stating that, "We only treat the mentally ill." Froeman finally went to a State paschobabble center who refered him to a Health and Stress center which cost U.S. dollars to attend.. Then the Circuit Judge demanded him to sign release forms so that he could contact the State psychobabble center doctor and get another

pre-sentence psychological evaluation which turned out so different from the first evaluation, and harmful, that he had to obtain his own doctor and his own evaluation to protect himself before sentencing. See docket entry # 38 (psychological evaluation) and #30 (Motion that defendants' burden of proof that he is not dangerous to community). Froeman won the 'psychobabble wars' but this cost him many U.S. Dollars for unnecessary defense. Nobody is a complete pauper and Froeman did have some mony which prevented him from going to the Public Defenders' Office but now not enough for an attorney.

E. The trial in the District Court was adversarial. Froeman's adversary, not plaintiff, filed charges. Froeman, not defendant, filed countercharges. Both were sommoned to stand trial on charges and countercharges on the same date. The appeal from District to Circuit is de novo, by law. The State failed or refused to bring forth the countercharges (charging document which must be filed in Circuit against a person before a trial can begin) and brought forth only the charge. Thought out the trial and proceedings, the judge and State made many references about the charge and none about the countercharges and keep refering to Froeman as defendant. Froeman had to go to the records office and obtain a copy of the

inactive countercharges charging document. See Petition for Certiorari to the Md. Appeal Court, paragraph (7) - QUESTIONS PRESENTED FOR REVIEW - Part (i). The Circuit Court trial was not de novo.

F.Froeman, upon appeal to the Circuit Court, did copy a discovery request form from a book in the law library that requested everything but money and immediately requested discovery. But due to the change-over from District to Circuit some confusion existed and Froeman had to repeatedly request discovery. Froeman called and called State, who stated that, "he was the defendant and they will not talk to him period. Froeman repeatedly told them that he has a Constitutional Right to act pro se- to no avail. See docket entry # 4 (request for discovery). #10 (motion to compel discovery). #11 (certificate of failure). #12 (State answer to request for discovery). #15 (request for discovery again) #20 (request for discovery and inspection again). It was just before trial that Froeman received by mail the answer to discovery.

In a baterry case, the common sense defense is to try to show that such damage to the teeth that cost $5000.0 U.S. dollars to repair must necessarly incur some soft tissue

damage and blood loss (Froeman was there and knew that there was neither) All the witnesses ststed that there was no soft tissue damage and no blood, whereupon, at the end of the witness testomony in a one day trial, introduced a 'bloody rag' into evidence. A most important and realivant piece of evidence that took Froeman by complete suprise as it was not in States answer to discovery. He objected strongly. He does not want to exclude this piece of evidence as it is good when all of the witnesses stated no blood. He wants a chance to have a lab exaime done to see if it is aminal, vegatable, or mineral. See jury trial transcript for the objection, page84. Petition for certiorari to the Md. Court of Appeals, paragraph (7)- QUESTIONS PRESENTED FOR REVIEW - Part ?(h).

G. Froeman filed motion after motion in the Circuit Court that requested a hearing for each one. With no notice or warning of any kind, on the day of sentencing, which in this day and age is a trial in and of itself, also held a hearing on motions. Froeman was facing a bizarre and frightening 20 year jail term and was frozen in fear and complained .(seedocket entry #32. (hearing had in RE: Motions and disposition). See also Petition

for certiorari Md. Court of Appeals, paragraph (7), part (h).

Froeman is a educated male, 52 years of age with no other law violations, but before sentencing he was remanded to jail after the finding of guilty. The Circuit Court of Baltimore has a wide reputation for 'burying' people in their jail and forgetting them. Froeman was aware of this reputation and the day before trial mailed writs of Habeas Corpus to both the Clerks of Circuit Court of Balto. County and U.S. District Court for the District of Maryland. If it were not for these Writs, Froeman feels most sure that he would still be there today. He spent seven days in jail and a motion for a new trial was due 10 days after the trial. He had to truely scramble to find anything or reason for a new trial or the opportunity would be lost forever. Froeman has a Constitutional and statutory Right to be pro se and this jailing was just another step in punishment for doing so. See docket entry #23 (disposition to be set at a later date and Froeman jailed). and State Petition for Certiorari, paragraph (7), part (h).

If a Court or Courts refuse to rule on important Constitutional issues related to the case, in Maryland by Common Right, statute and the Constitution the jury should

then rule on them. Froeman tried to introduce the issues to the jury but was denied by the judge. See pages #48-49.

H. The Md. Constitution, Article III, §38 grants the Right to be free from debtor's prison, yet Md. law, Article 27, §640 connects restitution to probation- no money, no liberty. This is also a tax on that Right. The Md. Constitution, Article III, §60 also grants a Right to the ancient and hollowed practice of the court suspended sentence, which is now written in stone. Yey Md. law, Article27, §641B (fees for probation) levies a tax on this Right. And when they throw you in jail, Md. law, Article27.§637says they can now take the convict's property for failure to pay- a complete ruin. The suspended sentence is,by definition, probation and probation is,by definition, the suspended sentence. Froeman has motion the Md. District and Circuit Courts for a Constitutional ruling on Md. §640 and was denied. He has motioned the Md. Circuit and Appeals Courts to correct this illegal sentence- which were denied, and which included all of the avered complaints to this point. By injunction and averments to the Md. Courts and to the United States District Court for the District of Maryland,case no.95-1875 and

which is now on appeal to the 4th Circuit, and a Habeas Corpus case, no. L.96-559, currently refered to a Magistrate Judge.

I. The appeal process is difficult and expensive enough in and of itself and these additional proceedings and taxes almost effectively block that process for the common person:

a)Ambibuous court orders that allow a probation agent to hound a person with debt collection.

b) The Court abuse of psychiatry - a most cosly and unnecessary additive.

c) Unlawful jailing of a pro se non violent person.

d) Restitution and probation 'fees' that must be motioned against, or be thrown into jail or proverty. Currently. no court will issue an injunction to stop the probation 'fees'.

J. The above averments, which did originate in a State Court action along with Md. law (titlt 3, subtitle 4, PartIII §3-415(c)(1)) which may create male slavery by exempting tractor trailer drivers (all male) from State Fair Labor Laws gave a situation that Froeman thought fell under the jurisdiction of the Civil Rights statutes by U.S.C. 42-§1988 and COLATERAL Habeas Corpus review of the sentence, so he filed the

complaints in U.S. Court .

AMPLIFYING ARGUMENTS

The issue of U.S.C. 42- §1988 jurisdiction, even from actions of a current State proceeding should be addressed by this Court. There is no controlling case law and it's history goes back to U.S.C. 28- §1257. The Civil Rights statutes create a statutory Right to a cause of action and this is not suitable under1257. That is, 1257 is not adapted to the object of the Civil Rights ststutes. Froeman seeks damages, punishment, and vindication in U.S. suit no. 95-1875. At the least it is colateral.

No debtor's prisons is a cornor-stone of Anglo-Saxon jurisprudence. Not remarkably, there is no Legislative debt on the passage of U.S.C. 28-§2007 and no debate by the people who entered into the Md. Constitution Article III, §§38,and60. And there is no controlling case law in either. In Md., there is one case law that claims to be controlling and that is State v. Mace, 5 Md 337 (1854). Froeman agrees completely with the lower Court of Common Pleas that was reversed by the Appeals Court. The very essence of the U.S. Constitution is to allow the rich and

poor to coexist together in peace. No pauper is completely without money and, if he violates the public peace which must be paid bya fine, common sense says to charge him what he can pay. If he has only $10.00, charging him $5.00 will instruct as well as charging a person who has $1000.00 a $500.00 fine. Or if he is a scofflaw, set up proceedures to attach his earnings. This is what the Md. Legislature has recently done with the laws Article 27 - §640A (methods to pay delinguent restitution) and Article 27-§640B (also lottery interception for restitution arrearage). The clear underpining of no debtor's prisons is not to put the debtor on the same footing of the felon. Debt is debt is debt. The language can not be more clear and plain and in construing the Md. Constitution, it is the duty of the Court to interpret it according to it's language, and, if the language is unambiguous, the Court is not at liberty to conjecture what may have been the possible intention of it's framer. (See Smith v. Thursby 28 Md 244 (1868). And U.S.C. 28-§2007 says that if you got it we'll do it your way- it's in English. For the above said reasons, this important issue of law should be decided by your Court.

That the restitution law, Article 27-§640,competent evidence part, which in this case happens to be connected with payment of actual medical expenses (part (b)(ii)) is overbroad and capricious. Arbitrary punishment (left to the judge) can be capricious and overbroad if the law is without a determining principle and in this case that should be a 'forsenic' dental evaluation and not a doctor's visit opinion. Due processin a law generally requires consideration of three factors: The private interest involved; the risk of an erroneous deprivation of that interest through the procedure used and the value of additional or subsitute procedual interest. (See Zurak v. Regan C.A.2 1977, 550 F. 2d 86, Cert. denied 975 S. Ct. 2988. The Md. Courts, by denial have decided this Due Process violation and this conflicts with many decisions of your Court.

A pro se ligitant does have a Right to discovery and it is a violation of Due Process to supress favorable evidence. (See Brady v. Md. 373 U.S. 83, 83 S.Ct. 1194.) It is essential that all relevant and admissable evidence be produced. (See U.S. v. Nixon, Dist. Col. 1974, 94 S.Ct. 3090.)Evidence used to prove government's case must be disclosed

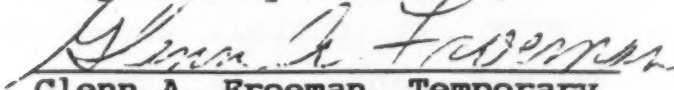
to the individual so that he has an opportunity to show it is untrue. (See Goldberg v. Kelly, N.Y. 1970, 90 S.Ct. 1011, 397 U.S. 254). The Md. Courts, by denial, have decided that this Due Process violation and it conflits with many decisions of this Court. A pro se litigant does have a Due Process Right to unambiguous and clear court orders to follow and not to be punished for being pro se. A law which either forbids or requires the doing of an act in terms so vague that men of common intelligence must guess at its meaning and differ as to its application violates the first essential of Due Process of law. (See Cramp v. Board of Public Instruction of Orange County Fla., Fla 1961, 82 S.Ct. 275, 368 U.S. 278.) The Md. Courts, by denial, have decided this Due Process and this conflicts with many decisions of this Court.

A pro se litigant does have a Right to the required de novo appeal, a fair and reasonable notice of a motions hearing, and not to be punished by unlawfully jailing the person. Fair play is the essence of Due Process. (See Galvan v. Press,Cal1954, 74S.Ct.737.)Law does not require that the defendant receive a perfect trial, just a fair one. (See Michigan v. Tucker Mich.1976. 94 S.Ct. 2357.

And Maryland Code, Article 27, §637 violates Due Process against double jeopary. A revocation of probation proceeding is not a stage of a criminal prosecution, but is firmly established as a civil action. See Chase v. State, 309 Md. 224, 522 A.2d 1348 (1987). Quite frankly, the entire situation here is rotten and begs review by this Court.

As required by rule 12(.1), there is no parent or subsidiaries companies to be listed, it is the real parties to this action only and no others.

Respectfully submitted,



Glenn A. Froeman, Temporary Pro se of record. P.O. Bx. 339, Pasadena, Maryland 21123. Beeper # (410) 351-0330.